

**BEFORE THE STATE BOARD OF EMBALMERS, FUNERAL DIRECTORS,
CEMETERIES AND BURIAL SERVICES**

**In the Matter of
Watson-Northcrest Funeral Home,
Board ID #20416, Respondent**

Case No. 20-08

CONSENT AGREEMENT

The matter of Watson-Northcrest Funeral Home came before the Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services ("Board") on May 19, 2020. The Board is represented by Amanda Gibson, Associate Counsel. Respondents voluntarily waived their right to a hearing and consent to the entry of this Consent Agreement. The Board hereby finds and orders, by agreement between Respondents and the Board, as follows:

GENERAL STIPULATIONS

1. Respondents, having read the proposed Consent Agreement, acknowledge their right to consult with counsel, and enter into this Consent Agreement on their own volition and without any reliance upon any representations by the Board or any officer, employee, agent or other representative thereof, other than expressly set forth herein.
2. Respondents hereby waive any further procedural steps including, without limitation, the right to a hearing and all rights to seek judicial review or to otherwise challenge or contest the validity of this Consent Agreement.
3. Respondents execute this Consent Agreement to resolve the pending matter, without further administrative action. Respondents agree that the Board will review and determine whether to approve this Consent Agreement. Furthermore, Respondents agree that should this

Consent Agreement not be approved by the Board, the presentation and consideration of this Consent Agreement by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration, or resolution of the matters involved herein at any subsequent hearing.

4. Respondents understand and agree that the approval and entry of this Consent Agreement shall not preclude additional proceedings by the Board against Respondents for acts or omissions not specifically addressed herein.

5. Respondents understand and acknowledge that this Consent Agreement and the Board's records concerning this matter are public records and are available to the public pursuant to the Arkansas Freedom of Information Act, Ark. Code Ann. § 25-19-101 *et seq.*

6. This Consent Agreement shall not become a valid and enforceable order of this Board unless and until accepted and approved by the Board at an official meeting and executed by the Chair of the Board or his designee.

FINDINGS OF FACT

1. Respondent funeral home is currently licensed as a Type A establishment.

2. The address on file with the Board is 1801 N. Maple, North Little Rock, AR 72114. The renewal form for 2020 submitted by Respondents advises that 1801 N. Maple is the address of the funeral home. The renewal form requests the establishment to make corrections to the information contained in the form, and it was signed by Alex Watson ("Watson") on December 27, 2019. Watson's signature is immediately below this statement, "Submission of this Renewal/Continuing Education form attests that the information contained herein is true and correct."

3. Watson is the owner and manager of the establishment.
4. On January 28, 2020, examiners from the Arkansas Insurance Department's Prepaid Funeral Benefits Division appeared at 1801 N. Maple to conduct an examination of Respondent's prepaid funeral benefit files, which are not regulated by this Board.
5. Upon arrival, the examiners found the parking lot vacant and no one present inside the building.
6. The examiners were able to reach Watson on his cell phone while they were at that location.
7. Watson advised that the establishment had previously moved to another location, 1601 Cypress St., North Little Rock, AR 72114.
8. The examiners traveled to the new location and observed cars in the parking lot.
9. On March 4, 2020, the Board received written notification from Respondents that the establishment moved locations, effective December 13, 2019.
10. Also, on March 4, 2020, Respondent requested a re-inspection for the reason of a change in location.
11. On March 11, 2020, the Board's inspector performed an inspection the new location at 1601 Cypress St.
12. That inspection revealed the following violations:

- a. The establishment failed to display a current license as the one it had on display at the new location contained the old address;
 - b. The establishment's price list did not accurately reflect the location of the establishment on file with the Board;
 - c. The hours of operation were not posted;
 - d. There were only three caskets on display, and one was damaged;
 - e. The arrangement room was cluttered, and the carpet had been ripped out; and
 - f. The merchandise did not have visible price cards.
13. Eleven funerals were conducted at the new location prior to the re-inspection.

CONCLUSIONS OF LAW

1. Respondents' actions, as set forth in Findings of Fact 2, 5-11 and 13, in changing locations without notifying the Board, violate Board Rule XVII.2 which requires a re-inspection be conducted for the reason of a location change.
2. Respondents' actions, as set forth in Findings of Fact 2, 5-11 and 13, in changing locations without notifying the Board, violate Ark. Code Ann. § 17-29-311(a)(2) in that Respondents concealed the location change from the Board and conducted funerals in a location that had not been inspected. The public, by attending funerals and conducting business at the new location, was misled into believing the establishment was appropriately licensed by the Board.

3. Respondents' actions, as set forth in Finding of Fact 12 violate the various provisions contained in Ark. Code Ann. § 17-29-304 and Board Rules as follows:

a. The establishment failed to display a current license as the one on display at the new location contained the old address. This violates Ark. Code Ann. § 17-29-304(a)(1).

b. The establishment's price list did not accurately reflect the location of the establishment on file with the Board. This violates Ark. Code Ann. § 17-29-304(a)(2)(A).

c. The hours of operation were not posted. This violates Ark. Code Ann. § 17-29-304(b)(1)(B)(ii).

d. There were only three caskets on display, and one was damaged. This violates Ark. Code Ann. § 17-29-304(g)(2) and Board Rule IV.2.(a)(4).

e. The arrangement room was cluttered, and the carpet had been ripped out. This violates Ark. Code Ann. § 17-29-304(g)(3).

f. The merchandise did not have visible price cards. This violates Board Rule XII.1.

4. Respondents' actions, as set forth in Finding of Fact 13 violate Ark. Code Ann. § 17-29-304(g)(4) in that the public health, safety and welfare was potentially put at risk during the times consumers were on the premises prior to the new location being inspected.

ORDER

NOW THEREFORE, on the basis of the foregoing and the waiver of the Respondents of their right to a hearing and appeal under the Arkansas Administrative Procedure Act, Ark.

Code Ann. §§ 25-15-201 *et. seq.*, the Board finds that the Respondent has consented to entry of this Agreement and Order and that the following Order is appropriate and in the public interest.

IT IS HEREBY ORDERED:

That Respondents' establishment license is placed on probation for the term of 18 months.

IT IS SO ORDERED, DIRECTED AND AGREED TO AS OF THE 19th DAY OF MAY, 2020.



BILL BOOKER

**CHAIR, STATE BOARD OF
EMBALMERS, FUNERAL
DIRECTORS, CEMETERIES AND
BURIAL SERVICES**

Alex Watson 6-11-20

ALEX WATSON

**On behalf of Watson-Northcrest Funeral Home
Respondent**